

ORDINANCE NO. 35-2003

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, "ZONING," OF THE ABILENE MUNICIPAL CODE; AND ORDINANCE NO. 30-2000 CONCERNING THE PDD #73 PLANNED DEVELOPMENT DISTRICT; DECLARING A PENALTY AND CALLING A PUBLIC HEARING; AND AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS:

PART 1: That Chapter 23, Subpart E, known as the Zoning Ordinance of the City of Abilene, is hereby amended by changing Ordinance No. 30-2000, as set out in Exhibit "A," attached hereto and made a part of this ordinance for all purposes.

PART 2: That any person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than Two Thousand Dollars (\$2,000.00). Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense.

PASSED ON FIRST READING this 28 day of August A.D. 2003

A notice of the time and place, where and when said ordinance would be given a public hearing and considered for final passage, was published in the Abilene Reporter-News, a daily newspaper of general circulation in the City of Abilene, said publication being on the 3 day of August, 2003, the same being more than fifteen (15) days prior to a public hearing to be held in the Council Chamber of the City Hall in Abilene, Texas, at 8:30 a.m., on the 11 day of September, 2003, to permit the public to be heard prior to final consideration of this ordinance. Said ordinance, being a penal ordinance, becomes effective ten (10) days after its publication in the newspaper, as provided by Section 19 of the Charter of the City of Abilene.

PASSED ON SECOND AND FINAL READING THIS 11 day of September, A.D. 2003.

ATTEST:

Don Moore
CITY SECRETARY

Grady Bass
MAYOR
APPROVED:

Sharon E. Hicks
CITY ATTORNEY

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EXHIBIT "A"

2nd Amendment to Ordinance No. 30-2000

Amend Part 7 Specific Modifications B.7.

DELETE: Openings, windows and doors shall be constructed of aluminum and glass curtainwall or storefront and shall comprise a minimum of 15 percent of the main facade of the building facing on street frontage.

ADD: Openings, windows and doors shall be constructed of aluminum and glass curtainwall or storefront and shall comprise a minimum of 5 percent of the main facade of the building facing on street frontage.

Amend Part 7 Specific Modifications B.13.

DELETE: Landscaping shall conform to the following requirements: All trees, shrubs, and ground cover plants shall be container grown. Large trees shall be a minimum of four inches in caliper. Ornamental trees shall be a minimum of two inches in caliper. Shrubs shall be grown in minimum of five-gallon containers and ground cover plants shall be grown in minimum of one-gallon containers. Lawn areas shall be hydromulched or sodded.

ADD: Landscaping shall conform to the following requirements: All trees, shrubs, and ground cover plants shall be container grown. Large trees shall be a minimum of four inches in caliper. Ornamental trees shall be a minimum of two inches in caliper. Shrubs shall be grown in minimum of five-gallon containers and ground cover plants shall be grown in minimum of one-gallon containers. Lawn areas shall be hydromulched, sodded, seeded, sprigged, or plugged.

Amend Part 7 Specific Modifications B.15.

DELETE: Landscaping must be installed no later than 120 days after a certificate of occupancy is issued. If extenuating circumstances prevail, a waiver to the 120 days may be granted by DCOA. Plant material shall be maintained in good and healthy condition. Landscaping shall not obstruct sight lines at street or driveway intersections. If a tenant desires to use plants other than those approved by the DCOA as listed in Attachment A, they must obtain permission from the DCOA before installation begins. Xeriscape landscaping is approved and encouraged.

ADD: Landscaping must be installed no later than 120 days after a certificate of occupancy is issued. If extenuating circumstances prevail, a waiver to the 120 days may be granted by DCOA. Plant material shall be maintained in good and healthy condition. Landscaping shall not obstruct sight lines at street or driveway intersections. If a tenant desires to use plants and grasses other than those approved by the DCOA as listed in Attachment A, they must obtain permission from the DCOA before installation begins. Xeriscape landscaping is approved and encouraged.

Amend Part 7 Specific Modifications B.16.

ADD: Under Site/Facility ID

- Letter signage and logo may be mounted to the exterior wall of the facility for company identification purposes, with a maximum letter height of 18 inches. Letters and logos must be manufactured by a commercial sign manufacturer.

Amend Attachment "A"

ADD: Under Grass

Latin Name: Bouteloua curtipendula
Common Name: Sideoats Grama
Max height: 3-6''
Characteristics: Oat-like resemblance, drought tolerant

Latin Name: Cynodon dactylon
Common Name: Bermuda grass
Max height: 3-6''
Characteristics: Durable, warm climate

Latin Name: Zoysias Grasses
Common Name: Turf Grass
Max height: 3-6''
Characteristics: rapid spreading, slow growth, green summer